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Attorneys for Complainant

**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:  
  
CLODUALDO HERNANDEZ GONZALEZ  
11352 Darcy Street  
Santa Fe Springs, California 90670  
  
Respiratory Care Practitioner License No. 12064  
  
Respondent.

Case No. R-2010

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER; PUBLIC  
REPRIMAND**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
above-entitled proceedings that the following matters are true:

**PARTIES**

1. Stephanie Nunez (Complainant) is the Executive Officer of the  
Respiratory Care Board of California (Board). She brought this action solely in her official  
capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of  
California, by Elaine Gyurko, Senior Legal Analyst.

2. Clodualdo Hernandez Gonzalez (Respondent) is representing himself in  
this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about September 14, 1988, the Board issued Respiratory Care  
Practitioner License Number 12064 to Respondent. On September 30, 2004, pursuant to Welfare

1 and Institutions Code Section 11350.6, respondent was issued a 150 day temporary license which  
2 would expire on February 27, 2005. The license was subsequently denied based on non-  
3 compliance with Welfare and Institutions Code section 11350.6. The license was returned to  
4 valid status on August 29, 2005. It expired on May 31, 2006, and had not been renewed.

#### 5 JURISDICTION

6 4. Accusation No. R-2010 was filed before the Board and is currently  
7 pending against Respondent. The Accusation, together with all other statutorily required  
8 documents, was properly served on Respondent on January 26, 2006. Respondent failed to file a  
9 Notice of Defense, and on May 23, 2006, a Default Decision was rendered by the Board revoking  
10 Respondent's respiratory care practitioner license effective June 22, 2006. Respondent filed a  
11 request to vacate the Default Decision pursuant to Government Code section 11520(c). On June  
12 12, 2006, the Default Decision was vacated. Respondent filed his Notice of Defense contesting  
13 the Accusation. A copy of Accusation No. R-2010 is attached as Exhibit A and incorporated  
14 herein by reference.

#### 15 ADVISEMENT AND WAIVERS

16 5. Respondent has carefully read and understands the charges and allegations  
17 in Accusation No. R-2010. Respondent has also carefully read and understands the effects of this  
18 Stipulated Settlement and Disciplinary Order.

19 6. Respondent is fully aware of his legal rights in this matter, including the  
20 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
21 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;  
22 the right to present evidence and to testify on his own behalf; the right to the issuance of  
23 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
24 reconsideration and court review of an adverse decision; and all other rights accorded by the  
25 California Administrative Procedure Act and other applicable laws.

26 7. Respondent voluntarily, knowingly and intelligently waives and gives up  
27 each and every right set forth above.

28 8. Respondent admits the truth of each and every charge and allegation in

1 Accusation No. R-2010. Respondent agrees to be bound by the Board's Disciplinary Order as set  
2 forth below.

3 NON-COMPLIANCE WITH ORDER

4 9. In the event respondent fails to comply with the terms of this Stipulated  
5 Settlement and Disciplinary Order, such failure shall be deemed a violation of Business and  
6 Professions Code section 3750, subdivision (g), and the Board, after giving notice and the  
7 opportunity to be heard, may take additional disciplinary action against respondent.

8 CONTINGENCY

9 10. This stipulation shall be subject to the approval of the Board. Respondent  
10 understands and agrees that Respiratory Care Board of California's staff and counsel for  
11 Complainant may communicate directly with the Board regarding this stipulation and settlement,  
12 without notice to or participation by Respondent. If the Board fails to adopt this stipulation as its  
13 Order, except for this paragraph, the Stipulated Settlement and Disciplinary Order shall be of no  
14 force or effect, it shall be inadmissible in any legal action between the parties, and the Board  
15 shall not be disqualified from further action by having considered this matter.

16 11. The parties agree that facsimile copies of this Stipulated Settlement and  
17 Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as  
18 the original Stipulated Settlement and Disciplinary Order and signatures.

19 12. In consideration of the foregoing admissions and stipulations, the parties  
20 agree that the Board shall, without further notice or formal proceeding, issue and enter the  
21 following Disciplinary Order:

22 DISCIPLINARY ORDER

23 IT IS HEREBY ORDERED that Respondent's RCP License No. 12064 shall be  
24 publicly reprimanded by the Respiratory Care Board of California. This document shall  
25 constitute the formal public reprimand and provides that based on admissions by respondent in  
26 paragraph 8 of this Stipulation, respondent agrees:

27 A. No further violation of the law will occur; and

28 B. He shall pay to the Board costs of investigation and prosecution of this matter

1 in the amount of \$ 1,380.00. This amount shall be paid in monthly installments within 12  
2 months of the effective date of this decision.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Settlement and Disciplinary Order, and  
5 I fully understand the terms and conditions and other matters contained therein. I understand the  
6 effect this stipulation will have on my Respiratory Care Practitioner License. I enter into this  
7 Stipulated Settlement voluntarily, knowingly and intelligently and agree to be bound by the  
8 Disciplinary Order and Decision of the Respiratory Care Board. I further agree that a facsimile  
9 copy of this Stipulated Settlement and Disciplinary Order, including facsimile copies of  
10 signatures, may be used with the same force and effect as the originals.

11 DATED: August 3, 2006.

12  
13 Original signed by:  
14 CLÓDUALDO HERNANDEZ GONZALEZ  
Respondent

15  
16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
18 submitted for consideration by the Respiratory Care Board of the Department of Consumer  
19 Affairs.

20 DATED: August 21, 2006.

21 BILL LOCKYER, Attorney General  
22 of the State of California

23  
24 Original signed by:  
ELAINE GYURKO  
25 Senior Legal Analyst

26 Attorneys for Complainant  
27  
28

**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2010

CLODUALDO HERNANDEZ GONZALEZ  
11352 Darcy Street  
Santa Fe Springs, California 90670

Respiratory Care Practitioner License No. 12064

Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on October 20, 2006.

It is so ORDERED October 10, 2006.

Original signed by:  
\_\_\_\_\_  
LARRY L. RENNER, BS, RRT, RCP, RPFT  
PRESIDENT, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA